

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS,)	
R. JOSEPH FRANZESE, individually)	
and d/b/a SECOND AMENDMENT)	
ARMS, and TONY KOLE)	
)	
Plaintiffs,)	
)	
v.)	Case No. 10 C 4257
)	Judge Robert M. Dow, Jr.
CITY OF CHICAGO,)	Magistrate Judge Sheila M. Finnegan
RAHM EMANUEL, EDDIE JOHNSON,)	
and ANNA M. VALENCIA,)	
)	
Defendants.)	

JOINT STATUS REPORT

The parties respectfully submit this report pursuant to the Court’s order to file “a joint report on the status of any further expert discovery and the parties’ positions on reimbursement of expenses incurred by Defendant in connection with investigation of Plaintiff’s now-withdrawn expert.” Dkt. No. 244. The parties report as follows:

1. Plaintiffs produced the expert report of their new expert witness, Rob Southwick, on December 13, 2018. Defendants took Mr. Southwick’s deposition on February 26, 2019. At this time, Defendants have not yet obtained a transcript of that testimony and are still considering designation of an expert witness or witnesses of their own. Defendants request 45 days to review the transcript of Mr. Southwick’s deposition and to consult internally and with potential expert witnesses before disclosing their own expert or experts. Plaintiffs do not object to Defendants’ request, and request 45 days thereafter to depose any disclosed expert(s).

2. The parties have resolved the issue of reimbursement for expenses incurred in connection with Defendants’ investigation of Plaintiff’s prior expert. Defendants seek no further

reimbursement for such expenses.

3. The parties have also conferred about whether the agreed Confidentiality Order this Court entered in October, 2016 (Dkt. No. 202-1) applies to the disclosure of material maintained as confidential by non-parties, such as the parties' expert witnesses. With the Court's permission, the parties intend to submit a rider to the agreed Confidentiality Order to clarify—to the extent clarification is necessary—that research, technical, commercial, or financial information that a third-party witness has maintained as confidential will be considered “Confidential Information” under the Order. The parties also intend to amend paragraph 4 of the agreed Confidentiality Order to change the date by which a party must designate portions of deposition testimony as Confidential Information (to allow for designation following receipt of the deposition transcript).

4. The parties anticipate dispositive motion practice at the conclusion of expert discovery. More specifically, Defendants anticipate filing a motion for summary judgment pursuant to Federal Rule of Civil Procedure Rule 56, as well as a motion to exclude the testimony of Mr. Southwick pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Plaintiffs likewise anticipate filing an F.R.Civ.P. 56 Motion for Summary Judgment.

Respectfully submitted,

Date: February 28, 2019

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